

TEN YEARS FOR JIM DONALDSON

Judge Armstrong Refuses to Grant His Attorney's Plea for a New Trial.

AN APPEAL TO BE TAKEN TO THE SUPREME COURT

In the Meantime Donaldson Will Be Out on Bail; Resume of Case.

After several hours of argument by Attorney Samuel A. King, in which he asked for a new trial for his client, James M. Donaldson, who was convicted several weeks ago of grand larceny, Judge G. G. Armstrong announced that the motion for a new trial would be overruled and ordered James Donaldson to stand up and receive the sentence of the court.

After going through the usual formalities, in which the court said that a jury had been convinced of the defendant's guilt, he asked Donaldson if he had



JAMES DONALDSON.

anything to say why sentence should not be passed upon him. As his counsel had nothing further to say, Judge Armstrong said:

"The sentence of the court is that you serve a term of ten years in the State penitentiary at hard labor. Sit down."

Donaldson showed but little concern at the sentence, and Attorney King and he left the court room together, after an arrangement had been made that the same bail should stand until after an appeal to the Supreme court is decided. Attorney King began his argument at the morning session of the court and continued for some time after the afternoon session began.

The grounds upon which a new trial was asked included alleged insufficiency of the evidence to convict and the rulings of the court at the trial in which certain evidence was admitted, which the attorney contended was incompetent and irrelevant.

At the close of Mr. King's argument, Judge Armstrong announced that he did not care to hear District Attorney Loofbourrow in reply as he had decided to refuse the motion.

Just when the case will be heard on appeal by the Supreme court is doubtful. The next session of the court convenes early in January next, and it may be impossible to perfect the appeal by that time.

CHARGE UPON WHICH DONALDSON WAS CONVICTED

The crime for which James Donaldson will serve a term in the State prison unless the highest tribunal of the State reverses the lower court in its findings, was alleged to have been committed September 19, 1906, at the Antler rooming house in this city, when Alexander and William McWhirter, two bakers from Scotland, are said to have been robbed of \$10,375.

It will be remembered that after the alleged robbery, Donaldson left Salt Lake City and was arrested several weeks later at Hot Springs, Ark., in company with a woman of the tenderloin district of this city.

He was brought back here for trial, being charged with robbery at first, which was later changed to grand larceny.

After a trial lasting several days, he was convicted of the latter charge on July 6 last. Attorney King immediately gave notice of a motion for a new trial which was set for September 19 following, the anniversary of the alleged robbery at the Antler house. The district attorney objected to the boundsmen and insisted that other sureties be substituted. Judge Armstrong held that it was necessary to satisfy the district attorney as to the liability of the boundsmen, and the names of R. F. Pearce and R. A. Sneathen were substituted on the bond for \$5,000.

As the transcript of the evidence had not been completed when the day for the hearing of the motion for a new trial arrived, Judge Armstrong continued the case. Several continuances have been had since that time and the case was called for a final hearing Monday.

BELL TO GIVE ELECTION RETURNS.

Arrangements have been made by the Rocky Mountain Bell Telephone company to supply election returns to its subscribers as rapidly as returns are received this evening. The company has established an "Election Bureau" for the evening, where returns will be received and tabulated. Patrons who desire to learn results are invited to call upon the "Election Bureau." A special force of operators and clerks will have charge of the returns, and will give prompt attention to all inquiries.

McCoy's Stables. Carriages and light vehicles. Phones 81.

UNIVERSITY MEN CO-DEFENDANTS

Prof. R. V. Chamberlin and Prof. Ira D. Cardiff Must Appear in Court.

TYPEWRITER COMPANY SUES THE EDUCATORS

Another Action Pending in Which Prof. Cardiff Sues Prof. Chamberlin.

Suit on a promissory note alleged to have been given by Professor R. V. Chamberlin and Professor Ira D. Cardiff in November of last year for \$70 to secure the payment of a typewriter, was begun in the civil division of the City court Monday by the Hammond Typewriter company.

The defendants are both instructors at the University of Utah, and there is now pending an action in the same court in which Professor Cardiff is suing Professor Chamberlin for damages he sustained by reason of certain alleged representations made him.

It appears from the complaint, which was filed several weeks ago, that Professor Chamberlin wrote to the other instructor, who was then connected with Columbia University at New York City, offering him a position to teach in the University here at an annual salary of \$2,000 to \$2,250. Acting on this offer, Professor Cardiff says that he, at great expense, left New York for Utah, bringing with him his family. After arriving in the city he learned that Chamberlin had no authority from the president or regents of the college to make such a contract. Then, according to the complaint, Professor Cardiff was compelled to accept a position at the university at a salary of \$1,650. The case is set for trial November 20 next, at which time Professor Cardiff will demand judgment for \$499 and the full amount of the guarantee.

Professor Chamberlin denies that he ever made such an offer and the result of the controversy between the two men of letters will be awaited with interest.

Just what the defense will be in the typewriter suit is not known, but it is probable that the two will "bury the hatchet" long enough to appear as co-defendants in answer to the action.

Receives Promotion.
H. T. Cleaver, who has been manager of the Continental Oil company, with office in this city, for the past twenty years, has been appointed manager of the Standard Oil company's interests in that city. He has had an experience of some sixteen years in the oil business, having served in New Mexico and Pueblo, Colo., before coming to Salt Lake. His recent appointment is a promotion, as the Denver division is a much larger one than the Salt Lake division. Mr. Cleaver will leave Salt Lake about December 1st, and will be succeeded here by C. W. Fife.

M. AND M. ASSOCIATION HOLDS A MEETING

Delegates Named to Represent Salt Lake at Inland Communication Meeting.

The Manufacturers and Merchants' association of this city held its semi-monthly meeting at its rooms Monday night. Five delegates were appointed to attend the convention of inland communication, which will be held at Wichita, Kan., November 15. At this convention the matter of the regulation of the railroad freight rates will be discussed and arrangements will be made, if possible, for doing away with the present discrimination which exists all over the country.

It is the desire that the short-haul rates to cities which have the benefit of navigable streams for a part of the way may be made to conform to a certain scale which shall be proportionate to the long-haul rates to other cities without inland. Arrangements will also be made to co-operate in this matter with the Interstate Commerce commission. The delegates elected from Salt Lake are John G. Critchlow, George C. Lamborn, Sr., J. P. Valentine, J. R. Bruff and Theodore Nystrom.

It was also decided to rearrange the exhibit of Utah products at the Chamber of Commerce and to add to it many of the newhouse and the Judge buildings, to use, wherever convenient, breakers, fireproof windows and, in fact, everything turned out in Utah. There was a large attendance at the meeting and a number of new members were elected.

FOR ELECTION RETURNS.

Call for "Election Bureau," Rocky Mountain Bell Telephone company. Local and outside figures furnished promptly.

Removed to Federal Court.

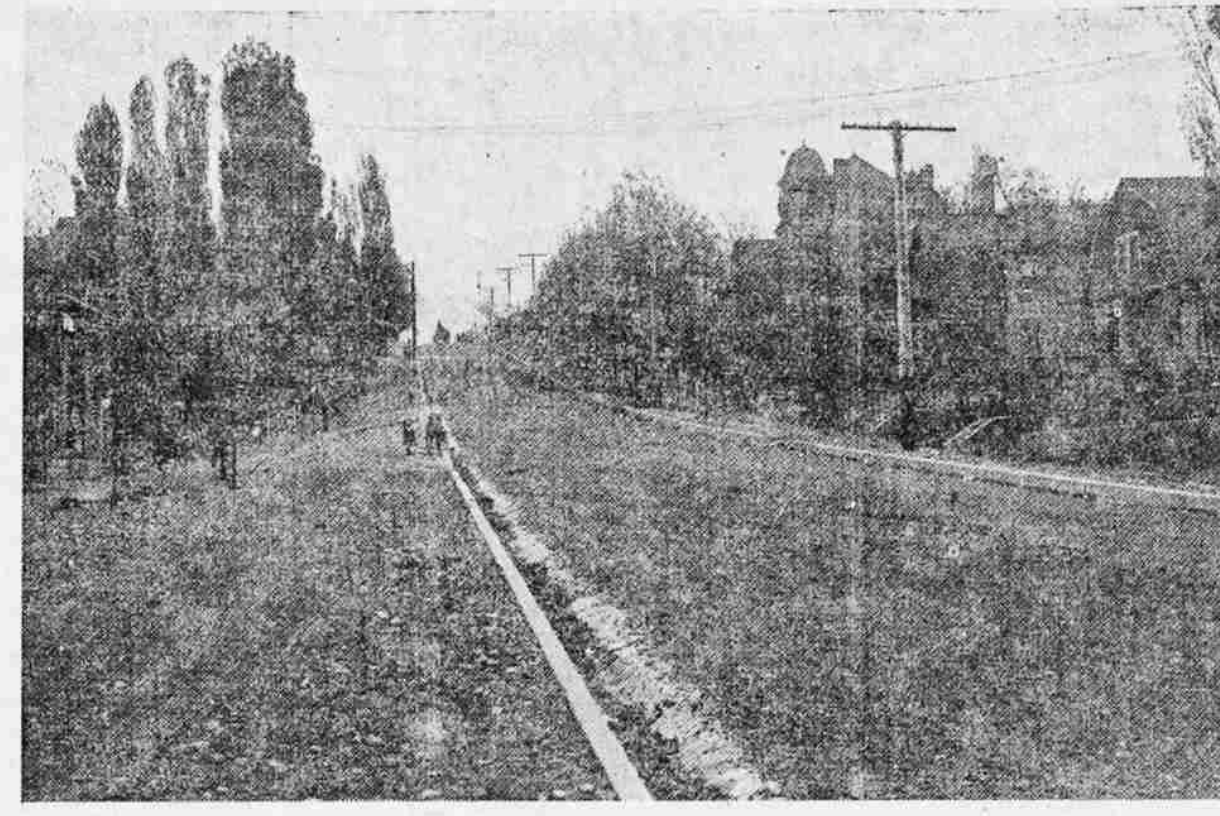
Homer A. Shelly, an infant, by Eldredge E. Shelly, his guardian ad litem, against the Utah Gas and Coke company and Riter-Cole Manufacturing company. Is the title of an action removed from the Third judicial district court on petition of defendants and filed in the Federal court Monday. The complaint alleges that the Utah Gas and Coke company and Riter-Cole Manufacturing company, in the construction of their gas plant in this city, have been negligent in the placing of their pipes, which have caused the destruction and broke his left leg in two places, fractured his skull, bruised and injured his body to such an extent that his physical and mental strength are permanently impaired. Negligence of defendants is alleged as the cause of the injuries to plaintiff, for which damages in the sum of \$25,700 are demanded.

All wall papers 25 per cent off. W. A. Duval, 110 West Second South.

Salt Lake Photo supply Co. Kodaks and kodak finishing. 142 Main.

Expert Chiropractor at the Sanitarium Baths.

SECOND AVENUE MACADAMIZED BY AMERICAN ADMINISTRATION



The above is a photograph of Second avenue, which recently has been macadamized from Canyon Road to Popperston Place. The view shown was taken from Canyon Road looking east. The improvement was made by Contractor P. J. Moran.

POLICE PRECAUTIONS FOR ELECTION DAY

Local Force Will Do Double Duty. With Fifty Specials.

In police circles there is unusual activity on account of the election today. No outbreaks are expected, but Chief of Police Thomas D. Pitt has the department in readiness to quell any possible disturbance.

Fifty or sixty special policemen will be on duty at the polls in citizens' clothes today and the regular force will work double duty this afternoon and evening. The regular afternoon shift, which goes on at 2 o'clock and remains until 11, will be doubled by the putting on of the morning shift during the latter part of the afternoon and the early part of the evening. No trouble is expected in the morning, but the victorious party may become turbulent in its celebration in the evening, anticipating such, the shift will be doubled.

The police will be working under special instructions to protect property and keep the peace at all hazards today, although little, if any, trouble is expected.

DOLES GIVEN LIBERTY ON BOND OF \$1000

Martell, Whom He Shot, Says He "Got What Was Coming" to Him.

Upon proper showing, the bond of Alexander Doles, proprietor of the Crystal bar, charged with assault upon Frank Martell with a deadly weapon, was reduced from \$10,000 to \$1,000 in Judge C. B. Diehl's court Monday morning. Doles furnished the bond, with his brother, L. A. Doles, and Ralph Ambrose as sureties, and was released.

Martell, Doles's victim, pleaded guilty to a charge of intoxication but upon the statement of his attorney that Martell had not been in Police court on that charge for eight or nine months, he was discharged. The police immediately detained him to await instructions from the County Attorney's office as to whether he shall be held as a witness in the case against Doles.

Both men Monday maintained their sturdy and cheerful silence with the exception that Martell grunted, in answer to questions about the shooting, that he "got what was coming." He also said he will not sign a complaint against Doles or testify against him.

John Campbell, the negro jockey arrested by Edward Kelly for the theft from his stable of horse blankets and a grip valued at \$40, while he was employed as a jockey at the fair grounds at the Utah State fair, was found guilty and sentenced to fifty days in the county jail. The stolen articles belong to C. R. Cooper.

John Carlson, from whom Daniel O'Connell is alleged to have stripped an overcoat, coat, vest and shoes as he lay sleeping in the entrance to the Salvation Army's headquarters on Commercial avenue Saturday night, pleaded guilty to a charge of drunkenness, but was released. It being shown he had not been in Police court recently on a similar charge.

JAP SECRETES HIMSELF UNDER ROOF OF HOUSE

Believing Him Burglar. Policemen Arrests Charges Him With Drunkenness.

Singly concealed beneath the roof and the ceiling of the Coleman home at 503 South Second East street, Policemen Harris and Sullivan discovered K. Doniva, a Jap, about 3:30 o'clock Monday morning, after a diligent search that lasted several minutes. Doniva at first refused to come from his hiding place and played "possum," until Policemen Harris dragged him from beneath the roof and Sullivan gently placed his number ten footcandle against him from the rear.

Policemen Harris and Sullivan were called to the Coleman home by a telephone message, saying that a man, thought to be drunk, was trying the windows and doors in an effort to break into the house. The family and neighborhood were aroused and frightened by the supposed burglar's actions. When the "coppers" arrived no burglar was in sight. After a thorough search of the premises, including the roof of the house, the policemen started back to the station.

They were recalled by Mrs. Coleman's startled cry that the burglar was on the roof. Policemen Harris nearly tore the roof from the house, trying to discover the man, without favorable results. Then he went into the house and searched the interior. Hearing a slight, scraping noise above him, Harris grabbed up a big butcher knife and plunged it through the ceiling. There was a slight, sharp cry and a muffled noise as of someone changing positions stealthily, the knife point having pricked Doniva. Harris hurriedly climbed to the roof again and, peering underneath a short burlap, discovered the Jap.

What Doniva's motive was in climbing to the roof and secreted himself is not understood by the police, but it is supposed to have been robbery. Nothing was found on his person to implicate him in theft, however, and in police court Monday afternoon he was charged with drunkenness. He pleaded guilty and his case was set for Wednesday to permit of further investigation.

The Coleman house has been burglarized several times within the last three or four years, it is said. Its occupant, Anthony J. Coleman, a negro, was acquitted of murder in the shooting to death of a young man, named John Hanson, about two years ago. Hanson, said to have been beastly drunk, staggered toward Coleman as the latter was on his way up town to his work, as a waiter at the Wilson hotel, early in the morning. Coleman, thinking Hanson was a highwayman, fired, the bullet striking the heart.

FOR ELECTION RETURNS.

Call for "Election Bureau," Rocky Mountain Bell Telephone company. Local and outside figures furnished promptly.

De Witt's Carbolized Witch Hazel Salve is healing and soothing. Good for piles. Sold by Anstee-Brice Drug Co.

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YOUTHFUL MISCREANTS SET FIRE TO A WAGON

Number of Boys Summoned to Appear Before the Juvenile Court.

Lighting gates from hinges and other Halloween pranks became too tame for several boys who were out for a lark Thursday night, so they decided to have a bonfire. As there was no brush lying around handy, the youthful miscreants spied a wagon in the yard of Charles Lumma, at 553 Blair avenue, and proceeded to apply the torch.

Before members of the family could reach the "bonfire," the wagon had been reduced to ashes.

The wagon was owned by George Hancock and had been rented to Lumma. Mrs. Lumma recognized some of the boys and made a complaint to the juvenile court.

The officers of the court have been working on the case and believe they have secured the names of all the participants in the destruction of the property. The boys have been summoned to appear before Judge Gowans and will be dealt with.

AWARDED DAMAGES FOR INJURIES IN A WRECK

Alfred Johnson of Providence, R. I., Gets Judgment Against Union Pacific.

After several days' hearing, in which a number of witnesses testified for both sides, Alfred R. Johnson, an attorney of Providence, R. I., was awarded a verdict of \$15,000 damages against the Union Pacific railway by a jury in Judge Lewis's court Monday afternoon. The amount asked for in the complaint was \$50,000. Johnson and other witnesses testified that he was injured in a wreck on the defendant's road in September, 1904, near Kansas Falls, Kan.

Johnson said that he has practically lost the use of his voice. He sustained a severe cut across the throat, by coming in contact with broken pieces of window glass when the train was wrecked, and the vocal cords of his throat were so badly injured that he speaks with much difficulty.

Johnson's wife also began an action for damages against the same company, as she said she was in the same wreck and received physical injuries, but the suit was withdrawn Monday on motion of her attorney, without prejudice. It is understood that she will begin an action against the railroad in the courts of an Eastern State.

Royal bread is crisp and well baked. Made in a clean bakery. The Crown label is on every loaf. Ask your grocer for it.

Pembroke's Blank Books Are all right. We make up all styles, besides carrying the biggest stock in Utah.

The Flower Shop For American Beauties, Roses, Carnations, Violets, Chrysanthemums and Funeral designs. Corner 2d So. and Main.

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A FINAL WORD TO AMERICAN WOMEN

Many an American woman has remained away from the polls because she had a delicacy about going to vote unattended. Have YOU a friend of that kind? Will you let the party lose that vote when it will be so easy for you to make an appointment with her and go to the polls with her?

Do you not know that a dozen well directed efforts along this line, alone, may prevent the triumph of fusion in some ward and assure a friendly council for Mayor Bransford?

Help get out every vote. Do not give up until the polls have closed at 7 o'clock this evening. Send word to the American workers in the district where your friend will vote, if it is inconvenient to walk, and a carriage will be sent to aid you. Do not put the matter off until late in the afternoon. Some of the districts have so many votes that there is danger of congestion during the late hours. It will be necessary to vote faster than one a minute to poll all of the votes. That is going some, you know.

Begin this important work just as soon as you can do so this morning. Do not let up until your work has been completed. USE THE TELEPHONE. MAKE THINGS HUM. You will enjoy the work when you get into it. And you will enjoy the victory all the more if you see the returns in a close district you realize that IT WAS YOUR ZEAL THAT SAVED THE DAY!

After the day has closed, come to The Tribune office and visit us. You will enjoy the excitement. The crowds! The enthusiasm of the street! You will find a comfortable place in the building to rest when you are tired of the street.

A. T. DAY MUST DIE FOR KILLING VOSS

Judge Armstrong Resentences Murderer in the Third District Court.

SELECTS SHOOTING AS MEANS OF HIS DEATH

Slaying of Horace Voss Caused Great Excitement; Talk of Lynching.

Some time between the hours of 10 in the morning and 2 o'clock in the afternoon of Friday, December 13, a "hooded" day among negroes of a superstitious nature, Anthony T. Day will be legally executed for taking the life of Horace H. Voss, a negro politician, in Franklin avenue, a little over a year ago.

This was the sentence of Judge Armstrong Monday, in the Third District court. The negro was convicted on February 8 last of murder in the first degree. He was sentenced then to the gallows, but his attorneys have fought the case step by step since that time, making desperate efforts to save him from capital punishment. The case was appealed to the supreme court, which filed a remittitur on October 25, affirming every legal act of the lower court. Since this time a plea of clemency was made to the board of pardons. The board recently refused to interfere with the sentence, and in accordance with the law Day was resented Monday.

When the prisoner appeared in court on Monday morning he was cognizant that a sentence of death was awaiting him. If he had any feeling of fear, no sign of it showed upon his countenance. An impressive silence prevailed in the court room, which was broken by Judge Armstrong's order to the negro to stand up.

Selects "Shooting."
The customary choice was given him as to the manner of death—shooting or hanging. The negro calmly replied, "Shooting."

The court then ordered that he be shot on the day named, within the legal hours, and the negro was led away. Considerable excitement was caused by the murder of Voss among the negro population of the city. So indignant were many at the killing of Voss, who was regarded as a political leader among his race, that a determined effort was made to lynch the murderer. But for the prompt action of the officers of the law this might have been effected.

Immediately after the murder Day fled through the streets, firing at everybody who made an attempt to stop him. At the corner of Third South and Main streets he was brought to bay and the negro had him covered with a pistol, calmly walked up and disarmed him.

The Royal makes all kinds of bread in a clean bakery. Ask your grocer for it. The Crown label is on every loaf.

Pembroke's Blank Books Are all right. We make up all styles, besides carrying the biggest stock in Utah.

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Expert Chiropractor at the Sanitarium Baths.

TESTIMONY BEGINS IN FUEL COMPANY CASE

Outcome Will Determine What Are and What Are Not Coal Lands in Utah.

The taking of testimony in the case of the United States against the Utah Fuel company was commenced Monday in the Circuit courtroom, in the Federal building, before S. H. Lewis, master in chancery. In this case the Government is represented by Fred A. Maynard, assistant to the United States Attorney-General, and H. E. Booth, United States District Attorney. The defendants interested are being taken care of by John M. Kane of Chicago and E. M. Allison of Salt Lake.

Professor Joseph A. Taft, chief coal geologist for the United States, who has spent two seasons studying and examining coal lands in Utah, was the first and only witness called. The testimony of Professor Taft was not finished when the case was adjourned for the day. It is thought the taking of testimony in this case, which will not be continuous, will last six months.

The testimony in this case will settle for damages against the same company, as she said she was in the same wreck and received physical injuries, but the suit was withdrawn Monday on motion of her attorney, without prejudice. It is understood that she will begin an action against the railroad in the courts of an Eastern State.

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De Witt's Little Early Risers are the best pills made. Sold by Anstee-Brice Drug Co.

Kodak Finishing. Salt Lake Photo Supply Co., 142 Main St.

All wall papers 25 per cent off. W. A. Duval, 110 West Second South.

No Meeting Held. The City Council had no meeting Monday night. Sousa and his band and the orchestra went to the eye of election day were too much for the members. Several petitions were filed with the city recorder Monday, but they will not be acted upon until next Monday night. H. P. Robinson and other property owners on West Third South street have asked the council to order the removal of an obstruction on Third South and West Temple street. The complaint is aimed at a fence built around an excavator by the contractors of the building now under erection for the Perry estate.

Pianos for rent. 23 West First South. Ask your grocer for the Vienna Walnut Bread.

PAY IN ARMY NOT LARGE ENOUGH

Work of Recruiting Here Dull in Consequence of Prosperity.

TOO MANY JOBS WITH GOOD PAY OBTAINABLE

Capt. O. B. Meyer Explains Attractions of Service, but to No Avail.

The only institution in Salt Lake is suffering at present in consequence of the prosperity of this city. United States recruiting station, reports that the boys do not seem to be attracted to the service of Uncle Sam who are plenty of good jobs for them in and around near home. Then, say the men who are the most desirous to think that they can do better for themselves with the present high wages than they can in army service, which they receive only \$13 a month, their lack of interest is not surprising.

The prohibition of the sale of liquor to the army and the consequent loss of the profits from the sale of liquor to the army, which was a great mistake, is probably in some small measure responsible for the decrease in the number of recruits. The government cannot afford to pay the boys, and before the war the army fare was good, and the profits from those things were applied to the purchase by the government of a good many articles of food that varied from the regular fare. A great mistake was made when the army canteen was closed. Such is the opinion of Captain Meyer of the 14th cavalry, military officer for Salt Lake City and den.

Pay Not Attractive.

"The pay is also a little unattractive," he said, "and it is to be feared. It probably will be too soon, so as to bring the total number of recruits down to a minimum. The pay and the equipment of a standard equal to that which is demanded by the same kind of military private life.

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